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Letter dated 7 June 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to attach information regarding the reform of the legal and juridical system in the Republic of Uzbekistan (see annex).

I would appreciate it if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 71 (b).

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 7 June 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Reform of the legal and judicial system of the Republic of Uzbekistan

Since 2001, gradual and focused legal and judicial reforms have been under way in the Republic of Uzbekistan.

Guarantees and principles ensuring the independence of the judicial system enshrined in existing law in the Republic of Uzbekistan which are in keeping with universally acknowledged norms of international law, legally established procedures for electing and appointing judges and releasing them from their duties, a strict, legally established procedure for the administration of justice in criminal, administrative, civil and commercial cases and legally established liability for any interference in judicial activity indicate that an independent judicial authority is functioning in the Republic of Uzbekistan.

A series of measures aimed at strengthening the independence of the court has been implemented. The following have marked significant phases in judicial system reform: the specialization of judges in criminal, civil and commercial cases, the introduction of the institutions of appeal and reconciliation, liberalization of penalties and the reduction of preliminary investigation and detention periods. Necessary modifications to legislative norms in order to prevent interference in legal proceedings by the Prosecutor's Office have been made.

The Court of Appeal has been reformed, which means that citizens may defend their rights directly and in person in this court if they are not in agreement with a court decision which has taken effect. Legal mechanisms have been established which ensure equal rights for the defence and the prosecution in legal proceedings and which allow for a genuinely adversarial relationship between them.

A system based on the supremacy of law and incorporating an institutional legal mechanism has been established to respond to grievances regarding unlawful activities by officials.

Within the Ministry of Justice there is a department for the implementation of court decisions, and judges have been released from functions not in keeping with their position.

One of the most important goals of the legal and judicial system reform being carried out in Uzbekistan is the provision of effective protection of constitutional human rights and freedoms, in particular the right to be protected from unfounded criminal prosecution and interference in one's private life, personal inviolability and the right to a just trial.

At the same time, the essence and substance of the reforms being carried out nationally to achieve further democratic renewal in civil society and the public sector and modernization of the country, and the results of work to liberalize the legal and judicial system, point to the need to abolish the death penalty and replace it with life imprisonment or with lengthy prison sentences.

Proceeding from the principles and norms of international law and the provisions of the Constitution of the Republic of Uzbekistan which proclaim and enshrine a person's right to life, and in order to implement specific measures to further liberalize criminal penalties, a presidential decree abolishing the death penalty was issued on 1 August 2005, pursuant to which that penalty shall be completely abolished as of 1 January 2008.

Abolishing the death penalty requires a broad-based, grass-roots, public information campaign and raising people's awareness of the need to further liberalize criminal penalties and has major financial and organizational implications.

A set of measures to amend and supplement federal legislation, with international experience in the matter being taken into account and also to lay the groundwork for abolishing the death penalty is now being implemented in Uzbekistan.

In recent years, significant work has been done to ensure that law enforcement agencies conduct their activities in a lawful manner, to enhance the authority of the judicial branch as the most important guarantee of effective human rights protection, to ensure that the courts are genuinely independent and to strengthen their role in building a democratic law-based state and a robust civil society.

In order to further liberalize the judicial and legal system, ensure the gradual and consistent transfer to the courts of the power to authorize the application of compulsory procedural measures having to do with constraints on constitutional human rights and freedoms, and pursuant to articles 19, 25 and 44 of the Constitution of the Republic of Uzbekistan, which define the rights of citizens to judicial protection, on 8 August 2005 a presidential decree transferring to the courts the power to authorize detention was issued. Starting 1 January 2008, the power to authorize detention of individuals suspected or accused of committing crimes shall fall within the jurisdiction of courts, which will represent an important stage in the introduction of the institution of habeas corpus into Uzbekistan.

In order to establish a legal mechanism empowering courts to authorize detention pursuant to the requirements of the decree mentioned above, the Ministry of Justice of the Republic of Uzbekistan, jointly with the Supreme Court, the General Prosecutor's Office, the Ministry of Internal Affairs and the National Security Service of the Republic of Uzbekistan has developed a draft bill to amend and supplement the Criminal Procedure Code and the laws on judges and the Prosecutor's Office. This bill was submitted to the Government of Uzbekistan for consideration in late 2005.

The experience of other countries in matters of arrest and detention has been taken into account in the preparation of this bill.